

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CALEB MICHAEL DUDLEY,

Plaintiff,

Civil Action No. 3:25-cv-13

v.

STEPHANIE MORTON, *et al.*

Defendants.

**MOTION TO DEEM ECF NO. 24 (DEFENDANT MORTON'S REPLY TO
MEMORANDUM IN OPPOSITION OF MOTION TO DISMISS) TIMELY FILED**

COMES NOW, Defendant, STEPHANIE MORTON ("Morton" or "Defendant") and for her Motion to Deem ECF No. 24 (Defendant's Reply to Memorandum in Opposition of Motion to Dismiss) Timely Filed provides as follows:

1. On January 10, 2025, Plaintiff Caleb Dudley ("Plaintiff" or "Dudley") filed his Complaint. ECF No. 1. Defendant Morton filed a Motion to Dismiss and accompanying Memorandum in Support on March 1. ECF Nos. 12 and 13.
2. Dudley, by counsel, filed an Opposition to the Motion to Dismiss on April 7, 2025. ECF No. 17.
3. Defendant's counsel asked attorney for Plaintiff Dudley for additional time to respond to the Opposition to the Motion to Dismiss, making her response due on April 21, 2025. Plaintiff Dudley's counsel agreed. *See* ECF No. 23.
4. At 12:01a.m. on April 22, 2025, Morton filed ECF No. 24, her Reply to ECF No. 17 (the Memorandum in Opposition to Defendant Morton's Motion to Dismiss filed by Plaintiff Dudley).

5. Undersigned counsel attempted to file the document before midnight on April 21, 2025, but initially inadvertently mislabeled the pleading in the PACER system and had to restart the filing process.

6. Morton acknowledges that this motion was made after the time for filing expired; however, she respectfully submits that filing the pleading two minutes into April 22, 2025, when the deadline was April 21, 2025, constitutes excusable neglect. *See* Fed. R. Civ. Pro. 6(b)(1)(B).

Therefore, Defendant Morton respectfully requests this Court deem ECF No. 24 timely filed and grant any other relief this Court finds just and necessary.

Respectfully submitted,

STEPHANIE MORTON
Defendant

By: /s/ Cassandra E. Sheehan
Cassandra E. Sheehan, AAG, VSB No. 87990
Criminal Justice & Public Safety Division
Correctional Litigation Section
Office of the Attorney General
202 North 9th Street, Sixth Floor
Richmond, Virginia 23219
Telephone: (703) 359-1117
Facsimile: (804) 786-4239
Email: csheehan@oag.state.va.us
Counsel for Defendant Morton

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing to all counsel of record. There are currently no *pro se* parties in this matter.

By: /s/ Cassandra E. Sheehan
Cassandra E. Sheehan, AAG, VSB No. 87990
Criminal Justice & Public Safety Division
Correctional Litigation Section
Office of the Attorney General